

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No.: 07-74 (RHK/JJG)

| | | |
|---------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | ORDER TO CONTINUE TRIAL |
| |) | |
| v. |) | |
| |) | |
| JERRY STRAUB, |) | |
| |) | |
| Defendant. |) | |

The defendant has made a motion to continue the June 4, 2007, trial date in this matter. Furthermore, the defense asks that such time be excluded from the days counted under the Speedy Trial Act, 18 U.S.C. § 3161. The United States does not oppose a continuance, but requests that the trial date be moved to a time not to interfere with a previously set trial.

Based on the parties motions, the Court makes the following findings:

1. The defense attorney assigned to this matter is out of the office until June 4, 2007, and has not yet completed trial preparation;

2. The defendant has waived his rights pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, in writing because he believes it is in his best interest to delay trial until his appointed counsel is available;

3. The Assistant United States Attorney assigned to this case has a trial set before the Honorable Judge David S. Doty on June 25, 2007;

4. There are not presently any Speedy Trial Act violations associated with this case; and

5. Pursuant to 18 U.S.C. § 3161(h)(8)(A), the Court finds that the ends of justice are served by granting this continuance and that they outweigh the best interest of the public and the defendant in a speedy trial. Namely, any further delay in this case is as a result of the time necessary for defense counsel to prepare for this case. There is no showing of prejudice to any party as a result of this continuance, nor is there any harm to the public as a result of this delay.

IT IS ORDERED:

1. The defendant's motion to continue the trial in the above-captioned case be GRANTED. The case shall be set for trial on July 16, 2007.

2. For the reasons set forth above, and pursuant to 18 U.S.C. § 3161(h)(8)(A), the entire period of the continuance is excluded from the period within which the trial of this matter must commence under the Speedy Trial Act.

Dated: May 24, 2007

s/Richard H. Kyle
Honorable Richard H. Kyle
U. S. District Court Judge